

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-5807

Hon. James F. Holderman

Magistrate Judge Young B. Kim

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs Mike Harris and Jeff Dunstan, individually and on behalf of the Class and Subclass (collectively "Plaintiffs"), pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully move for partial summary judgment on the authorization elements of, and consent defenses to, their claims brought under the Computer Fraud and Abuse Act ("CFAA"), 18 U.S.C. § 1030; the Stored Communications Act ("SCA"), 18 U.S.C. §§ 2701, *et seq.*; and the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. §§ 2510–22. In support of this Motion, Plaintiffs are contemporaneously filing a Memorandum of Law, the Declaration of Benjamin Thomassen, and a Local Rule 56.1 Statement of Undisputed Material Facts, all of which are incorporated herein.

WHEREFORE, Plaintiffs Mike Harris and Jeff Dunstan respectfully request that this Court enter an order granting this motion, entering partial summary judgment in favor of Plaintiffs, the Class, and Subclass on the authorization elements of, and consent defenses to, their claims brought under the CFAA, SCA, and ECPA, and awarding such other and further relief as it deems equitable and just.

Dated: February 20, 2014

Respectfully submitted,

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of all others similarly
situated,

By: s/ Rafey S. Balabanian
One of Plaintiffs' Attorneys

Jay Edelson
jedelson@edelson.com
Rafey S. Balabanian
rbalabanian@edelson.com
Benjamin S. Thomassen
bthomassen@edelson.com
J. Dominick Larry
nlarry@edelson.com
EDELSON PC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Attorneys for Plaintiffs, the Class, and the Subclass

CERTIFICATE OF SERVICE

I, Rafey S. Balabanian, an attorney, hereby certify that on February 20, 2014, I served the above and foregoing ***Plaintiffs' Motion for Partial Summary Judgment*** by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ Rafey S. Balabanian
